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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,871	03/07/2002	Martin Kreuzer	TRW(ASG)6058	9986
26294	7590	12/10/2003	EXAMINER	
TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.			RODRIGUEZ, PAMELA	
526 SUPERIOR AVENUE, SUITE 1111			ART UNIT	
CLEVEVLAND, OH 44114			PAPER NUMBER	

3683

DATE MAILED: 12/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/092,871

Applicant(s)

KREUZER ET AL.

Examiner

Pam Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 5,7-11,16 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6 and 12-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Species E in Paper No. 6 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 5, 7-11, 16, and 17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 6.

Specification

3. The abstract of the disclosure is objected to because in lines 2-4 the words "means" are used. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

4. Claims 12-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 recites the limitation "said damping body" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Derwent application no. 1992-054534.

Regarding Claim 1, '534 discloses a device 1/2 for damping vibrations in a steering wheel having all the features of the instant invention including: a damping means 1, an attenuation mass 2 connected with the damping means 1 (see Figure 1) and an electrical control unit 4 coupled with the damping means 1, and wherein the control unit 4 is able to alter mechanical vibration characteristics of the device such that different vibration frequencies can be damped (see the abstract section of the document).

Regarding Claim 2, '534 further discloses that the damping means 1 is designed such that the mechanical vibration characteristics of the device can be altered by supplying electrical energy to the damping means 1 (see the abstract).

Regarding Claim 3, see the "Vehicular Speed" and "Rate and Degree of Turn" sensing parameters that are fed into controller 4, wherein this data would be indicative of vibrations of the steering wheel (see also the abstract).

Regarding Claim 4, '534 discloses that the damping means 1 comprises a material, an electrorheological fluid, which alters its mechanical characteristics with the supply of electrical energy (see the abstract).

Regarding Claim 6, see the abstract and use/advantage sections of the document.

7. Claims 1-4 and 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Card.

Regarding Claim 1, Card discloses a device (see Figures 2 and 6) for damping vibrations in a steering wheel having all the features of the instant invention including: a damping means 24/224, an attenuation mass 46 connected with the damping means 24 (see Figure 2) and an electrical control unit 22 coupled with the damping means 24/224, and wherein the control unit 22 is able to alter mechanical vibration characteristics of the device such that different vibration frequencies can be damped (see column 5 line 55 – column 6 line 6).

Regarding Claim 2, Card further discloses that the damping means 24/224 is designed such that the mechanical vibration characteristics of the device can be altered

by supplying electrical energy to the damping means (see column 5 line 55 –column 6 line 6).

Regarding Claim 3, see the sensor described in column 5 lines 62-65.

Regarding Claim 4, Card discloses that the damping means 24/224 comprises a material, i.e, a magnetorheological fluid, which alters its mechanical characteristics with the supply of electrical energy (see column 5 line 55 – column 6 line 6).

Regarding Claim 12, Card discloses that the damping means 24/224 comprises a damping body 42/242 and is a hollow body made of an elastic material (as indicated in Figure 2 by the elastic material crosshatching).

Regarding Claim 13, note that damping body 42/242 is readable as being ring-shaped (at least to some extent).

Regarding Claim 14, Card discloses a mass core 46 which acts as the attenuating mass and is incorporated in the hollow body 42/242 (see Figure 2).

Regarding Claim 15, Card discloses that the hollow body 42/242 contains a magnetorheological fluid (see column 5 lines 60-65).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The PGPub to Kreuzer et al discloses a device for damping vibrations in a steering wheel having a damping means with an electrorheological fluid which alters its mechanical characteristics with the supply of electrical energy similar to applicant's.


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Oliver et al and the PGPub to Stout et al both disclose devices for damping vibrations in steering wheels having damping means utilizing magnetorheological fluid.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pam Rodriguez whose telephone number is 703-308-3657. The examiner can normally be reached on Mondays 6 am -4 pm and Tuesdays 6 am -12 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


Pam Rodriguez
Primary Examiner
Art Unit 3683
12/2/03

PR
12/01/2003